

# Notice of Allowability

Application No.

09/836,544

Examiner

DiBrino Marianne

Applicant(s)

SEED ET AL.

Art Unit

1644

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendments filed 10/11/05 & 12/16/05, 1/3/06 & 1/5/06.
2. ☒ The allowed claim(s) is/are 24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10/11/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date attached hereto.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### DETAILED ACTION

1. Applicant's amendment filed 10/11/05 is acknowledged and has been entered in part.

Applicant was advised in a telephone interview on 12/12/05 that the following was not entered:

- On page 4 of the said amendment, Applicant directs amendment of the title of Tables 1-4; however, the direction to amend said tables is given for the page number of the amendment filed 12/3/01 where a previous amendment was made, rather than for the page of the specification on which the said tables appear, *i.e.*, Table 1 is on page 84, Table 2 is on page 87, Table 3 is on page 90, and Table 4 is on pages 91-92 of the specification.
- No amended page 96 has been received.
- On page 5 of the said amendment, Applicant directs amendment of the title of Tables 7-9; however, the direction to amend said tables is given for the wrong page numbers of the specification, *i.e.*, Table 7 is on page 106, Table 8 is on page 110 and Table 9 is on page 116 of the specification.

2. Applicant's amendment filed 12/16/05 is acknowledged and has been entered. It is noted by the Examiner that Applicant's said amendment corrects the deficiencies in the first two items at #1 above.

3. Applicant's amendment filed 1/3/06 is acknowledged and has been entered in part.

The direction to amend the Table 6 title on page 96 was not entered because Table 6 is not on page 96.

4. Applicant's amendment filed 1/5/06 is acknowledged and has been entered.

5. In view of the papers filed 10/11/05, the inventorship in this nonprovisional application has been changed by the deletion of Janet Allen, Leander Laufer, Carmen Oquendo, David Simmons, Ivan Stamenkovic, Siegfried Stenglin, and Marine Amiot.

6. The drawings filed 4/17/01, 12/13/01 and 2/12/02 are accepted by the Examiner.

### EXAMINER'S AMENDMENT

7. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given by Ms. Donna M. Ferber in a telephone interview on 12/12/05.

8. In the claim: Claim 24 has been amended to delete "the nucleotide sequence shown in".

In the specification:

- At page 106, the title of Table 7 has been amended as ---Table 7. (SEQ ID NO: 31 and SEQ ID NO: 32)--.
- At page 110, the title of Table 8 has been amended as --Table 8. (SEQ ID NO: 33 and SEQ ID NO: 34)--.
- At page 116, the title of Table 9 has been amended as --Table 9. (SEQ ID NO: 35 and SEQ ID NO: 36)--.
- On page 1, ---issued as U.S. Patent 6,218,525---has been added after "December 1, 1992" at line 2.
- On page 1, ---(abandoned)—has been added after "July 13, 1990" at line 3.
- In the abstract, --including CD27 (SEQ ID NO: 28)—has been added after "method for cloning cDNAs" at line 1.

Art Unit: 1644

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

a. Claim 24 is pending and is allowable.

b. Applicant has corrected a typographical error in the amino acid sequence at position 34 of SEQ ID NO: 28 from "R" to "A," consistent with the amino acid residue encoded by the disclosed corresponding nucleotide codon. (Applicant's representative was advised that the same typographical error is present in the parent applications 07/983,647 (U.S. Patent 6,128,525), 07/533,759 and 07/498, 809).

c. The claimed isolated cDNA comprising SEQ ID NO: 28 (CD27) is not taught or suggested by the prior art.

d. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marianne DiBrino whose telephone number is 571-272-0842. The Examiner can normally be reached on Monday, Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Christina Y. Chan, can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Marianne DiBrino, Ph.D.  
Patent Examiner  
Group 1640  
Technology Center 1600  
January 6, 2006



CHRISTINA CHAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600